

Remarks

The claims have been amended without prejudice or disclaimer, with “consisting of” language replacing “consisting essentially” in claim 1, and rewriting the claim to emphasize that the important novel feature of the invention that it consists of four and only four parts, a mouthpiece, a holder, and two resilient rings, wherein the mouthpiece and holder are each a single piece of molded plastic. (page 7, lines 10-18) All the other features in claim 1 are details of how the mouthpiece and holder are molded.

The claims were amended to more clearly define the patentability of the invention.

Claim 1 was rejected over Grasso (U.S. 3313308) in view of Walters (U.S. 3196881) and Mensik (U.S.4517989).

Grasso comprises a mouthpiece (10), and a holding member (16) and a dividing member (18). The dividing member is secured to the holding member by a bayonet connection. The dividing member is secured to the mouthpiece with resilient ring (52). This structure has more components than the instant invention, with a dividing member between the holding member and the mouthpiece and a bayonet connection attaching the dividing member.

Walters comprises a mouthpiece 12, a mouthpiece sleeve 14, a tubular sleeve valve 16, a filter shank 20, a pair of o-rings 22 and 24, and a cigarette sleeve 18, again many more components and complexity than the instant invention.

Mensik comprises a combined cigarette holder and mouthpiece 10 and a removable filter cartridge 11 inserted therein. The instant invention does not have a removable filter cartridge, but consists of a holder and mouthpiece held together by two o-rings.

Claim 1 of the present invention describes a cigarette holder consisting of a mouthpiece, a holder, the holder being directly inserted into the receptacle in the mouthpiece, and two resilient rings.

It is clearly shown that the prior art either individually or in combination does not disclose a cigarette holder consisting of a mouthpiece, a holder, the holder being directly inserted into the receptacle in the mouthpiece, and two resilient rings.

In further particular, the prior art does not disclose a smoking article consisting of a holder and a mouthpiece each of which consists of a single piece of molded plastic wherein the holder is inserted in the mouthpiece which are held together by two resilient rings.

The transitional phrase "consisting of" excludes any element, step, or ingredient not specified in the claim. *In re Gray*, 53 F.2d 520, 11 USPQ 255 (CCPA 1931); In this case none of the prior art consists of "a mouthpiece and a holder each of which consists of a single piece of molded plastic, and two resilient rings".

Applicant now believes that claims 1, 3-9, and 11 are in condition for allowance and therefore requests reconsideration of these claims as amended, and allowance of these claims.

If examiner desires to discuss any matter involving this case please contact the undersigned attorney at 510-785-8070 between 9 am and 5 pm PDT.

Respectfully Submitted,



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